

KEVIN G. HORBATIUK (KGH-4977)
MATTHEW P. MAZZOLA (MM-7427)
RUSSO, KEANE & TONER, LLP
Attorneys for Defendant
CUNNINGHAM DUCT WORK s/h/i/a
CUNNINGHAM DUCT CLEANING CO., INC.
26 Broadway - 28th Floor
New York, New York 10004
(212) 482-0001

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
**IN RE COMBINED WORLD TRADE CENTER
AND LOWER MANHATTAN DISASTER SITE
LITIGATION**
-----X

21 MC 103 (AKH)

**SUSANA MIRANDA (AND HUSBAND, MARTIN
LABRE),**

**DOCKET NO:
08 CV 2293**

Plaintiffs,

-against-

**7 WORLD TRADE COMPANY, L.P., A RUSSO
WRECKING, INC., ABM INDUSTRIES INC.,
ABM JANITORIAL NORTHEAST, INC., AMEC
MANAGEMENT, INC., AMEC EARTH
ENVIRONMENTAL, INC., ANTHONY CORTESE
SPECIALIZED HAULING LLC., ATLANTIC
HEYDT CORP., BECHTEL ASSOCIATES
PROFESSIONAL CORPORATION; BECHTEL
CONSTRUCTION, INC., BECHTEL CORPORATION;
BECHTEL ENVIRONMENTAL INC., BERKEL &
COMPANY, CONTRACTORS,
INC., BIG APPLE WRECKING & CONSTRUCTION
CORP., BOVIS LEND LEASE LMB, INC., BREEZE
CARTING CORP., BREEZE NATIONAL INC.,
BRER-FOUR TRANSPORTATION CORP.,
BURO HAPPOLD CONSULTING ENGINEERS,
P.C., C.B. CONTRACTING CORP., CANRON
CONSTRUCTION CORP., CORD
CONTRACTING CO., INC., DAKOTA DEMO TECH;
DIAMOND POINT EXCAVATING CORP., DIEGO
CONSTRUCTION, INC., DIVERSIFIED CARTING, INC.,**

**NOTICE OF
ADOPTION OF
ANSWER TO MASTER
COMPLAINT**

DMT ENTERPRISE, INC., D'ONOFRIO GENERAL CONTRACTORS CORP., EAGLE LEASING & INDUSTRIAL SUPPLY INC., EAGLE ONE ROOFING CONTRACTORS, INC., ED DAVIES, INC., EN-TECH CORP., EVERGREEN RECYCLING OF CORONA (EROC) EWELL W. FINLEY, P.C., EXECUTIVE MEDICAL SERVICES, P.C., FLEET TRUCKING, INC., FRANCIS A. LEE EXTERIOR RESTORATION; INC., FTI TRUCKING, INC., GILSANZ, MURRAY & STEFICEK LLP., GOLDSTEIN KOCH SKANSKA INC., LAQUILA CONSTRUCTION INC., LASTRADA GENERAL GENERAL CONTRACTING CORP., LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS, P.C., LIBERTY MUTUAL GROUP; LOCKWOOD, KESSLER & BARTLESS, INC. LUCIUS PITKIN, INC., LZA TECH-DIV OF THORTON TOMASTEEL, MANAFORT BROTHERS INCORPORATED; MAZZOCCHI WRECKING INC., HUDSON MERIDIAN CONSTRUCTION GROUP; LLC F/K/A MERIDIAN CONSTRUCTION CORP., MORETRENCH AMERICAN CORP., MRA ENGINEERING, P.C., MUESER RUTLEDGE CONSULTING ENGINEERS, INC., NACIREMA INDUSTRIES INCORPORATED; NEW YORK CRANE & EQUIPMENT CORP., NICHOLSON CONSTRUCTION COMPANY; PETER SCALAMANDRE & SONS, INC., PINNACLE ENVIRONMENTAL CORP., PLAZA CONSTRUCTION CORP., PLAZA CONSTRUCTION CORP., PRO SAFETY SERVICES, LLC.; PT & L CONTRACTING CORP., ROBERT SILMAN ASSOCIATES, ROBERT L. GEROSA, INC., RODAR ENTERPRISES, INC., ROYAL GM, INC., SAB TRUCKING INC., SAFEWAY ENVIRONMENTAL CORP., SEASONS INDUSTRIAL CONTRACTING; SEMCOR EQUIPMENT & MANUFACTURING CORP., SILERITE CONTRACTING CORPORATION; SIMPSON GUMPERTZ & HEDGER, INC., SKIDMORE, OWING & MERRILL LLP; SURVIVAIR, TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; THORTON-TOMASETTI, GROUP, INC., TORRETTA TRUCKING, INC., TOTAL SAFETY CONSULTING, LLC., TUCCI EQUIPMENT RENTAL CORP., TULLY CONSTRUCTION

**CO., INC., TURNER CONSTRUCTION COMPANY; ULTIMATE
DEMOLITION CS HAULING (JOINT VENTURE); VOLLMER
ASSOCIATES LLP., WEEKS MARINE INC., WEIDLINGER
ASSOCIATES, CONSULTING ENGINEERS, P.C., WHITNEY
CONTRACTING INC., WOLKOW-BRAKER ROOKING
CORP., WORLD TRADE CENTER PROPERTIES, LLC.,
WSP CANTOR SEINUK, YANUZZI & SONS, INC., YONKERS
CONTRACTING COMPANY, INC., YORK
HUNTER CONSTRUCTION, LLC., ZIEGENFUSS
DRILLING, INC.,**

OFF SITE:

**100 CHURCH, LLC, 150 BROADWAY CORP.,
150 BROADWAY N.Y. ASSOCIATES, L.P., 225
BROADWAY COMPANY LP., 50 TRINITY,
LLC., 59 MAIDEN LANE ASSOCIATES, LLC.,
88 GREENWICH LLC., AJ GOLDSTEIN & CO.,
ALAN KASMAN DBA KASCO, ALAN L.
MERRILL, AMBIENT GROUP, INC., ANN TAYLOR
STORES CORPORATION, AT&T WIRELESS
SERVICES, INC., BAILEY N.Y. ASSOCIATES,
BANKERS TRUST COMPANY, BATTERY PARK CITY
AUTHORITY, BETTY JEAN GRANQUIST, BFP ONE
LIBERTY PLAZA CO., LLC., BLACK DIAMONDS, LLC.,
BLACKMON-MOORING-STEAMATIC CATASTOPHE,
INC., D/B/A BMS CAT, BOARD OF MANAGERS OF THE
HUDSON VIEW EAST CONDOMINIUM, BRAUN
MANAGEMENT INC., BROADWAY WEST STREET
ASSOCIATES LIMITED PARTNERSHIP, BROOKFIELD
FINANCIAL PROPERTIES, INC., BROOKFIELD
FINANCIAL PROPERTIES LP., BROOKFIELD
PARTNER, LP., BROOKFIELD PROPERTIES
CORPORATION, BROOKFIELD PROPERTIES
HOLDINGS, INC., BT PRIVATE CLIENTS CORP.,
CAROL GAYNOR TRUST, CAROL GAYNOR, AS
TRUSTEE OF THE CAROL GAYNOR TRUST, CAROL
MERRIL GAYNOR, CUNNINGHAM DUCT CLEANING CO.,
DEUTSCHE BANK TRUST COMPANY,
DEUTSCHE BANK TRUST COMPANY AMERICAS,
DEUTSCHE BANK TRUST CORPORATION,
ENVIROTECH CLEAN AIR, IC., FGP 90 WEST
STREET INC., FRED GOLDSTEIN, GENERAL
RE SERVICES CORP., GPS ENVIRONMENTAL
CONSULTANTS, INC., GRUB & ELLIS**

MANAGEMENT SERVICES, HARLAND GAYNOR, AS TRUSTEE UNDER A DECLARATION OF TRUST, HAROLD G. GOLDSTEIN, AS TRUSTEE UNDER A DECLARATION OF TRUST, HERMAN L. BLUM, AS TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF LOUIS W. GOLDSTEIN, HIGHLAND DEVELOPMENT LLC., HILLMAN ENVIRONMENTAL GROUP, LLC., HUDSON VIEW EAST CONDOMINIUM, HUDSON VIEW TOWERS ASSOCIATES, IDELL GOLDSTEIN, AS TRUSTEE UNDER DECLARATION OF TRUST, INDOOR ENVIRONMENTAL TECHNOLOGY, INC., KASCO RESTORATION SERVICES CO., KIBEL COMPANIES, LAW ENGINEERING, P.C., MARGARET G. WATERS, MARGUERITE K. LEWIS, AS TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF LOUIS W. GOLDSTEIN, MATTHEW A. GELBIN, AS TRUSTEE OF THE GOLDSTEIN FAMILY, MERRILL LYNCH & CO., INC. MOODY'S HOLDINGS, INC., NATALIE S. LEBOW, AS TRUSTEE OF THE JEREMIAH PHILLIP LEBOW REVOCABLE TRUST, NATALIE S. LEBOW, AS TRUSTEE OF THE JERRY P. LEBOW FAMILY TRUST, NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., NEW LIBERTY PLAZA LP., NEW YORK CITY INDUSTRIAL DEVELOPMENT AGENCY, NEW YORK CITY INDUSTRIAL DEVELOPMENT CORPORATION, NOMURA HOLDING AMERICA, INC. NOMURA SECURITIES INTERNATIONAL, INC., ONE LIBERTY PLAZA, ONE WALL STREET HOLDINGS, LLC., PAMELA BETH KLEIN, AS TRUSTEE OF THE PAMELA AND ROWAN KLEIN TRUST, R Y MANAGEMENT CO., INC., ROWAN K. KLEIN, AS TRUSTEE OF THE PAMELA AND ROWAN K. KLEIN TRUST, ROYAL AND SUNALLIANCE INSURANCE GROUP, PLC., RUTH G. LEBOW, RY MANAGEMENT, SHIRLEY G. SHOCKLEY, AS TRUSTEE UNDER THE DECLARATION OF TRUST, STEEPLECHASE ACQUISITIONS, STRUCTURE TONE (UK), INC., STRUCTURE TONE GLOBAL SERVICES, INC., SYLVIA R. GOLDSTEIN, THE BANK OF NEW YORK COMPANY, INC., THE BANK OF NEW YORK TRUST COMPANY, NA THE BOARD OF MANAGERS

**OF THE ONE LIBERTY PLAZA CONDOMINIUM
(CONDO # 1178), THE ONE LIBERTY
PLAZA CONDOMINIUM (CONDO # 1178), TISHMAN
INTERIORS CORPORATION, TOSCORP.,
INC., TRC ENGINEERS, INC., TUCKER
ANTHONY, LLC., TULLY CONSTRUCTION CO.,
INC., TULLY INDUSTRIES, INC., VERIZON
NEW YORK, INC., WESTON SOLUTIONS, INC.,
WFP ONE LIBERTY PLAZA CO., L.P., WFP
ONE LIBERTY PLAZA CO., GP., CORP., WFP
TOWER A. CO., WFP TOWER A CO., G.P.,
CORP., WFP TOWER A. CO., L.P., WFP TOWER
B CO., G.P., CORP., WFP TOWER B. HOLDING
CO., L.P., WFP TOWER B. CO., LP., WORLD FINANCIAL
PROPERTIES, INC., L.P., and ZAR REALTY
MANAGEMENT CORP., et al.**

Defendants.

-----X

PLEASE TAKE NOTICE, that defendant **CUNNINGHAM DUCT WORK s/h/i/a CUNNINGHAM DUCT CLEANING CO., INC.** ("CUNNINGHAM"), by its attorneys, RUSSO, KEANE & TONER, LLP, as and for its Response to the allegations set forth in the Complaint by Adoption (Check-Off-Complaint) Related to the Master Complaint filed in the above referenced action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

WHEREFORE, the defendant, CUNNINGHAM demands judgment dismissing the above captioned caption action as against it, together with its costs and disbursements and for such other

and further relief as this Court deems just and proper.

Dated: New York, New York
May 2, 2008

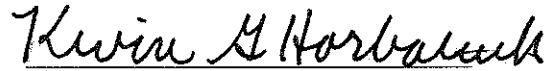
Kevin G. Horbatiuk
Kevin G. Horbatiuk (KGH4977)
Matthew P. Mazzola (MM7427)
Attorneys for Defendant
CUNNINGHAM DUCT WORK s/h/i/a
CUNNINGHAM DUCT CLEANING CO.,
INC.
RUSSO, KEANE & TONER, LLP
26 Broadway, 28th Floor
New York, New York 10004
(212) 482-0001
RKT File No. 824.078

TO: CHRISTOPHER R. LaPOLA, ESQ.,
WORBY GRONER EDELMAN & NAPOLI BERN, LLP
Attorney for Plaintiffs
SUSANA MIRANDA and MARTIN LABRE,
115 Broadway 12th Floor
New York, New York 10006
(212) 267-3700

CERTIFICATION OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 2nd day of May, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,
WORBY GRONER EDELMAN & NAPOLI BERN, LLP
Attorney for Plaintiffs
SUSANA MIRANDA and MARTIN LABRE
115 Broadway 12th Floor
New York, New York 10006

A handwritten signature in black ink, reading "Kevin G. Horbatiuk", written over a horizontal line.

KEVIN G. HORBATIUK